

REMARKS

Claims 1 – 17 are now pending in the application. Applicants respectfully request that the Examiner reconsider and withdraw the rejections in view of the remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102

Claims 1 – 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Nada et al. (U.S. Patent No. 6,654,648). This rejection is respectfully traversed.

Applicants acknowledge the Examiner's statement, "Applicants should realize that the use of speed range for determining the control range of the motor is notoriously old in the art." Notwithstanding, Applicants respectfully request that the Examiner reconsider the current rejection.

The Federal Circuit has held that anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention arranged as in the claim. *Lindemann Maschinenfabrik v. American Hoist & Derrick*, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connel v. Sears, Roebuck*, 220 USPQ 193 (Fed. Cir. 1983)). Applicants respectfully submit that Nada fails to teach or suggest every element of Claims 1, 9 and 17 and even if specific wording is similar between Nada and the invention as claimed, the disclosure in Nada is not arranged as in the Claims.

Applicants claim modulating an inverter switching frequency of a motor controller processor based on the determined motor speed range, as set forth in Claim 1 with similar limitations in Claims 9 and 17. As best understood by Applicants, Nada is

devoid of any mention or inference of modulating an inverter switching frequency of a motor controller processor. Moreover, Nada is devoid of any mention or inference of a switching frequency.

The Examiner submits that Column 21, Lines 6 – 14 and portions of Figure 10, namely reference S360 in Nada anticipate the above limitations. Applicants respectfully submit, however, Nada does not support the Examiner's conclusion. The portion of Nada that the Examiner identified discloses that when all of the calculation results are within the predetermined range, the main motor control CPU 262 outputs the calculated values of required electric currents I_{1req} and I_{2req} to the first and the second motor control CPUs 264 and 266 at step S360. (Column 21, Lines 6 – 11). Nada also discloses that each of the driving circuits 191 and 192 is constructed as a transistor inverter and are controlled by the motor controller 260. When the transistors in the driving circuits 191, 192 are switched on in response to a control signal transmitted from the motor controller 260. The electric current runs between the battery 194 and the motor MG1 or the motor MG2. (Column 7, Lines 57 – 67, *not cited by the Examiner*).

In contrast to Nada's calculating of required currents and using a transistor inverter to control a motor, Applicants claim modulating an inverter switching frequency of a motor controller processor based on the determined motor speed range. In one embodiment of Applicants' invention, the processor is supplied with an inverter switching frequency that determines processor execution time of processor. **The only processor control in Nada is a reset function.** (Column 12, Line 27 – Column 14, Line 23).

For at least the above reasons, Nada fails to anticipate Claims 1, 9 and 17. Claims 2 – 8 and 10 – 16 depend from Claims 1 and 9 respectively. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of Claims 1 – 17 under 35 U.S.C. § 102(e).

CONCLUSION


It is believed that all of the stated grounds of rejection have been properly traversed. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the present outstanding rejection. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, Applicants respectfully request prompt and favorable consideration of this responsive amendment. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is always invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: _____

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By: _____


Michael D. Wiggins
Reg. No. 34,754

GENERAL MOTORS CORPORATION
300 Renaissance Center
M.C. 482-C23-B21
P.O. Box 300
Detroit, MI 48265-3000